

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Antonio De La Cruz Almanzar, individually
and on behalf of all others similarly situated,

Plaintiff,

-against-

BX Auto Concept Corp., et al.,

Defendants.

USDC SDNY
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DATE FILED: 02/28/2025

1:24-cv-06146 (DEH) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

WHEREAS, the Complaint in this action seeks to recover overtime wages based upon Plaintiff having worked approximately 58 hours per week from in or around January 2021 until in or around December 2023, for which he was paid a flat weekly rate of \$1,200.00 per week, and Plaintiff having worked approximately 50 hours per week from in or around January 2024 until in or around May 2024, for which he was paid \$1,400.00 per week (Compl., ECF No. 1, ¶¶ 34-35); and

WHEREAS, Plaintiff is seeking to have a default judgment entered to compensate Plaintiff for overtime wages based upon Plaintiff having worked 58 hours per week from in or around January 2021 until in or around May 2024, for which he was paid a flat weekly rate of \$1,300.00 per week (see Pl.'s Spreadsheet, ECF No. 28-11; *see also* Almanzar 11/13/24 Aff., ECF No. 45-1, ¶¶ 10-11); and

WHEREAS, Rule 54(c) of the Federal Rules of Civil Procedure provides, in relevant part, that “[a] default judgment must not differ in kind from, or exceed in amount, what is demanded in the pleadings.”

NOW, THEREFORE, it is hereby ORDERED that, no later than March 7, 2025, Plaintiff shall file to the ECF docket a revised spreadsheet calculating damages based upon the overtime claims contained in the Complaint. It is further ORDERED that Plaintiff shall serve his revised spreadsheet by mail upon the Defendants, along with a copy of this Order, and file proof of service to the docket no later than March 10, 2025.

SO ORDERED.

Dated: New York, New York
 February 28, 2025

Stewart D. Aaron

STEWART D. AARON
United States Magistrate Judge